

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

ALAN LYLE HOWE, Jr.)
Plaintiff)
v.)
SYLVIA BURWELL, in her official)
capacity as Secretary of the United States)
Department of Health and Human Services;)
THOMAS PEREZ, in his official capacity)
as Secretary of the United States)
Department of Labor; JACOB J. LEW, in)
his official capacity as Secretary of the)
United States Department of the Treasury;)
BETH F. COBERT, in her official)
capacity as Acting Director of the Office of)
Personnel Management; UNITED STATES)
DEPARTMENT OF HEALTH AND)
HUMAN SERVICES; UNITED STATES)
DEPARTMENT OF LABOR; UNITED)
STATES DEPARTMENT OF THE)
TREASURY; and OFFICE OF)
PERSONNEL MANAGEMENT;)
VERMONT HEALTH CONNECT;)
DEPARTMENT OF VERMONT HEALTH)
ACCESS; and STEVEN M.)
COSTANTINO, in his official capacity as)
Commissioner of Vermont Health Access,)
Defendants)
Civil Action No. 2:15-cv-6

STIPULATION OF DISMISSAL

1. On December 15, 2015, Department of Health and Human Services (the “Department”) granted Plaintiff Alan Howe a hardship exemption from the penalty under the Affordable Care Act, 26 U.S.C. § 5000A, for failure to maintain individual health care coverage.

2. The Department stated that the exemption was granted because Howe “made a good faith attempt to obtain any qualified health plan in Vermont that does not cover abortion services for which public funding is prohibited, but were unable to do so, and the Affordable Care Act contemplates that issuers will offer such coverage.”

3. Howe represents that, although he does not currently have health insurance, he will become eligible for Medicare beginning July 1, 2016.

4. Therefore, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff Alan Howe and the federal defendants in this action—Defendants Secretary of Health and Human Services Sylvia Burwell, Secretary of Labor Thomas E. Perez, Secretary of the Treasury Jacob J. Lew, Acting Director of the Office of Personnel Management Beth F. Cobert, U.S. Department of Health and Human Services, U.S. Department of Labor, U.S. Department of the Treasury, and Office of Personnel Management—by and through undersigned counsel, hereby give notice of dismissal of Howe’s remaining claims against the federal defendants and of this action as it relates to the federal defendants.¹ Plaintiff and the federal defendants will bear their own fees and costs.

Respectfully submitted this 25th day of February 2016.

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¹ The Court dismissed the Vermont defendants on July 21, 2005, ECF No. 44, and denied Plaintiff’s motion to amend the Complaint on December 11, 2005, ECF No. 53.

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